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# National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

# Belarus

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# I. Methodology

1. This national report for the second cycle of the universal periodic review was prepared by the Ministry of Foreign Affairs on the basis of input from the competent executive authorities, the Constitutional Court, the Supreme Court, the Office of the Procurator-General, the Office of the Commissioner for Religious and Ethnic Affairs and the National Centre for Legislation and Legal Research.

2. The report was prepared pursuant to the 2010–2014 interdepartmental plan on the implementation of the recommendations made in the first cycle of the universal periodic review that were accepted by Belarus. The Ministry of Foreign Affairs has added to its website a section on cooperation between Belarus and the United Nations human rights mechanisms, which contains information on the universal periodic review mechanism and procedures and documents relating to the process and also an interim report on the status of implementation of the recommendations from the first cycle (submitted to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in February 2012).

3. The progress made on carrying out the recommendations and the draft report were the subject of extensive public hearings, which received support from OHCHR and the United Nations Development Programme (UNDP). Four rounds of national consultations were held (in February 2012, December 2013, March 2014 and December 2014), including representatives from the executive, legislative and judicial branches of government, academic circles and civil society organizations. The report was revised to take into account the proposals of voluntary associations.

# II. Legal and institutional framework for the promotion and protection of human rights

## A. Human rights legislation, including international agreements (recommendations 1, 2 and 56)

4. In accordance with the Constitution (art. 2), the human being, his/her rights and freedoms and guarantees of their exercise are the supreme value and goal of society and the State.

5. The national human rights legislation of Belarus is based on the major international human rights instruments, including those of the United Nations system. Belarus continues to take steps to improve national legislation while collaborating with relevant treaty bodies and submitting periodic reports on the fulfilment of its obligations with a view to applying best international practices and the recommendations of the international community.

6. Since 2010, Belarus has acceded to the following international agreements:

- Council of Europe Convention on Action against Trafficking in Human Beings;
- Convention on Standards for Democratic Elections, Electoral Rights and Freedoms in the States Members of the Commonwealth of Independent States;
- Minamata Convention on Mercury;
- Convention on the Conservation of European Wildlife and Natural Habitats;
- Nagoya Protocol to the Convention on Biological Diversity;
- Additional Protocol to the Criminal Law Convention on Corruption.

7. Following a review of whether national law was compatible with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (recommendation 1), it was concluded that it would be premature to accede to the Convention. This is due primarily to current trends in the field of labour migration.

8. For example, the largest flows of migrant workers occur within the Commonwealth of Independent States (CIS) and are regulated by regional agreements. The level of labour migration of citizens from States parties to the Migrant Workers Convention to Belarus remains fairly low (7,039 people from countries outside the CIS in 2011 and 4,143 in the first nine months of 2014). Between 2011 and the first nine months of 2014, there were no cases of Belarusian citizens who went abroad for work under an employment contract in a country that is a party to the Convention.

9. Experience in the implementation of the Migrant Workers Convention by CIS member States and further analysis of migration flows will make it possible in future to return to the issue of accession to the Convention.

10. Following a comparative legal analysis of the compatibility of national legislation with the Convention on the Rights of Persons with Disabilities (recommendations 2 and 56), it was concluded that Belarus was ready to accede to the Convention. In 2014, in conjunction with UNDP, a workshop was held with a wide range of State authorities and institutions, parliamentarians, academic and educational establishments and voluntary organizations, including organizations of persons with disabilities. The intention to accede to the Convention was confirmed in the outcome of the workshop.

11. A draft presidential decree on signing the Convention on the Rights of Persons with Disabilities is currently being prepared and efforts are being made to finalize the domestic procedures relating to it.

## B. Institutions and mechanisms for the protection of human rights (recommendation 4)

12. Efforts have been made to study the issue of establishing a national human rights institution in Belarus. In particular, a study has been carried out of the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights, the national laws of other States concerning the establishment and work of such institutions, the current national system of bodies and institutions involved in the promotion and protection of human rights and the views of the public and government bodies and organizations on whether establishing a national human rights institution is warranted and what might be the most acceptable form of such an institution and its main responsibilities.

13. In 2014, an international workshop to examine international experience with the work of national human rights institutions was held in conjunction with OHCHR, UNDP, the European External Action Service and the Council of Europe, at which Belarus presented a policy framework for a national human rights institutions in Belarus. An agreement was reached at the workshop to conduct a UNDP-sponsored study to evaluate the usefulness of setting up a national human rights institution in Belarus in the light of the existing national system of human rights institutions.

## C. Improvement of legislation (recommendations 3 and 54)

14. Belarus recognizes the primacy of universally acknowledged principles of international law and ensures that its laws comply with them (Constitution, art. 8, para. 1).

15. The Constitutional Court, by way of mandatory preliminary review, takes decisions on the constitutionality of laws adopted by the parliament before they are signed and, also by way of preliminary review of the proposals of the President, the parliament, the Supreme Court and the Council of Ministers, renders its opinions on the constitutionality of laws and regulations, international agreements and other obligations and inter-State instruments to which Belarus is a party.

16. In the period 2011–2013, an analysis was carried out of the compatibility between national legislation and international human rights instruments to which Belarus is a party (recommendation 3), which showed that the relevant national legislation does not conflict with the international agreements, although it was concluded that it could be further harmonized.

17. To that end, since the period following the first cycle of the universal periodic review, the following laws and regulations have been adopted:

- Education Code of 13 January 2011 aimed at establishing the full and systematic legal regulation of social relations in education to ensure high-quality education and access to education and to bring legislation on education into line with international agreements in this area;
- International Labour Migration Act of 30 December 2010, which guarantees migrant workers, on an equal footing with citizens of Belarus, equal pay for work of equal value and insurance against loss of health, earning capacity or death arising from accidents at work and occupational diseases;
- Copyright and Related Rights Act of 17 May 2011 (International Covenant on Economic, Social and Cultural Rights, art. 15);
- Communications from Citizens and Legal Entities Act of 18 July 2011, which requires State authorities and officials to take the necessary measures to provide redress for violations of citizens' rights, freedoms and legitimate interests when they submit communications and to monitor the enforcement of those measures;
- Assisted Reproductive Technologies Act of 7 January 2012, which provides for the opportunity and procedures for assisted reproductive technologies in order to overcome infertility (International Covenant, art. 10);
- Trafficking in Persons Act of 7 January 2012, which provides for measures to protect and rehabilitate victims of human trafficking (International Covenant on Civil and Political Rights, art. 8, and Convention on the Elimination of All Forms of Discrimination against Women, art. 6);
- Mediation Act of 12 July 2013, which allows for the introduction of juvenile justice methods to proceedings and the development of a juvenile justice model;
- Presidential Decree on Improving the Judicial System of the Republic of Belarus, No. 6 of 29 November 2013, which is aimed at enhancing the independence of the judicial system, ensuring consistency of judicial practice, promoting the specialization of courts and improving the quality of the administration of justice;
- Presidential Decree on Certain Questions of Improving the Enforcement of Judicial Decisions and Other Enforcement Orders, No. 530 of 29 November 2013, which sets out measures to make the enforcement of writs of execution more effective in order to redress violations of rights and legitimate interests of individuals and business entities as fully and expeditiously as possible;
- Presidential Decree on Additional State Support for Families with Children, No. 572 of 9 December 2014, which establishes a non-recurring cashless settlement by the

State (so-called family capital) on the birth of a child, adoption of a third child and subsequent children; the provision of concessional loans for building and buying homes for young families with two or more minor dependants; an additional monthly payment of family allowances per child between 3 and 18 years of age when a child under the age of 3 is being raised;

- Presidential Decree on Tightening Requirements for Senior Executives and Workers of Organizations, No. 5 of 15 December 2014, aimed at improving management and staff discipline, providing for proper working conditions and improving the quality of output, performance and services;

- Presidential Decree on Urgent Action against Drug Trafficking, No. 6 of 28 December 2014, aimed at countering drug trafficking, preventing drug abuse, including among children and young people, and providing for drug rehabilitation services (Convention on the Rights of the Child, art. 33).

18. In addition, the following amendments to the law have been made:

- Code of Civil Procedure: children from the age of 14 years have the right to participate in judicial proceedings, to be heard in court in person in order to defend their rights and interests and to make use, at any time, of the assistance of lawyers and other representatives in court without the consent of their parents, adoptive parents or guardians (Convention, art. 12); there has been further clarification of the complaints procedure for remand prisoners, persons deprived of liberty, persons serving life sentences and persons in custody, the application of penalties and the types of disciplinary action faced by them (International Covenant on Civil and Political Rights, art. 9, para. 4, and art. 14, para. 1);

- Code of Administrative Offences: administrative penalties have been introduced for violence against family members and close relatives to supplement the provisions under criminal law (International Covenant, art. 7, and Convention on the Rights of the Child, art. 19);

- Marriage and Family Code: amendments were introduced on the need to consider the views of children who have reached 10 years of age on matters involving the deprivation or restoration of parental rights or placement of children in foster care (Convention, art. 3);

- Labour Code: age and place of residence have been included in the list of prohibited grounds for discrimination in employment relations and an open-ended list of discriminatory grounds in employment-related legal relations has been established; a procedure has been prescribed for granting leave to a working father or other family member to care for a child up to the age of 3 years if the mother is a private businessperson, notary public, creative professional or craftsperson; the meaning of "homeworker" and the details of the management and conditions of their work have been clarified (International Covenant on Economic, Social and Cultural Rights, art. 6);

- Criminal Code: a definition of "torture" has been included; plea-bargaining for suspected and accused persons has been introduced to criminal procedure (International Covenant on Civil and Political Rights, art. 7, and Convention against Torture, art. 2);

- Code of Criminal Procedure: the rules for judicial appeal against preventive measures in the form of remand in custody, house arrest or release on bail during preliminary investigations and judicial proceedings have been clarified (International Covenant, art. 9, para. 4);

- System for the Prevention of Child Neglect and Juvenile Delinquency Framework Act of 31 May 2003: a maximum length of stay (no more than 2 years) in special care and rehabilitation institutions for young offenders has been established;
- Pensions Act of 17 April 1992: there has been an increase in social welfare benefits, pension benefit guarantees for persons performing hazardous or arduous work and pensions for persons working beyond the age of retirement without receiving a pension (International Covenant on Economic, Social and Cultural Rights, arts. 6, 7, 9, 11 and 13);
- Trade Unions Act of 22 April 1992: the role of trade unions in monitoring occupational health and safety, compliance with labour law and the fulfilment of collective bargaining agreements has been defined; the procedures for exercising public oversight of this kind have been clarified; safeguards to ensure that disciplinary action is not taken against trade union representatives in the performance of their monitoring duties have been improved (International Covenant on Civil and Political Rights, art. 22, and International Covenant on Economic, Social and Cultural Rights, art. 8);
- Health Care Act of 18 June 1993: further provision has been made for such assistance as high-technology medical care, medical and social services and palliative care and preventive measures to promote public health have been set out more clearly (International Covenant, art. 12);
- Subsistence Level Act of 6 January 1999: the procedure for determining and approving the subsistence level has been improved and the social and demographic groups covered by the subsistence level have been clarified (International Covenant, art. 11);
- Voluntary Associations Act of 4 October 1994 and Political Parties Act of 5 October 1994: the procedure for establishing voluntary associations, political parties and political alliances has been simplified (International Covenant on Civil and Political Rights, art. 22);
- Act on the Legal Status of Foreign Nationals and Stateless Persons in Belarus: article 17-1 (Guarantees of non-refoulement of foreigners) has been amended to ensure that foreigners may not be returned or deported against their will to a foreign State where their lives or freedom are endangered as a result of their race, beliefs, nationality, ethnicity, affiliation with a specific social group or political convictions or if they are at risk of torture (Convention against Torture, art. 3);
- Occupational Safety Act of 23 June 2008: additional safeguards have been introduced to protect the health of women, including in the area of occupational safety, with a view to promoting women's reproductive health from the effects of harmful and/or hazardous workplace factors (Convention on the Elimination of All Forms of Discrimination against Women, art. 11, and International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111), art. 1, para. 2);
- Social Services Act of 22 May 2000: a legal mechanism has been developed to regulate the cooperative relations between the State and non-governmental non-profit organizations when the provision of public social services is outsourced to them;
- Act on the Procedures and Conditions for the Detention of Persons in Custody: the places and procedures for the detention of persons sent to substance abuse recovery clinics have been clarified (International Covenant on Civil and Political Rights, art. 10);

- Mass Media Act of 17 July 2008: the status of the print and electronic media have been regulated to improve the news media environment and help to disseminate and make proper use of objective information.

19. A bill to amend the Citizenship Act was submitted to the parliament for review in 2014, which provides children born in Belarus with the opportunity to obtain Belarusian citizenship at birth if on the child's birthday his/her parent (sole parent) is temporarily residing in Belarus and is a stateless person. This measure aims at preventing statelessness (Convention on the Rights of the Child, art. 7, para. 2).

20. Amendments to the law have also been introduced to combat corruption, protect consumer rights and counter extremism.

## D. Engagement with United Nations human rights mechanisms (recommendation 9–14 and 16–19)

21. Belarus fulfils the obligations under the international human rights instruments to which it is a party. Between 2011 and 2014, national periodic reports of Belarus were considered by the Committee on the Rights of the Child, Committee on the Elimination of Discrimination against Women, Committee against Torture, Committee on the Elimination of Racial Discrimination and Committee on Economic, Social and Cultural Rights. Belarus plans to present and defend its national report before the Human Rights Committee in 2015/2016. It has thus cleared its backlog of reports to United Nations treaty bodies.

22. Moreover, in 2011 a common core document was prepared, which covered the overall human rights situation in Belarus.

23. Belarus has constructively engaged with the special procedures of the Human Rights Council on communications submitted to it. In 2014, Belarus extended once again its invitation issued in 2009 to the special procedures of the Human Rights Council and broadened the list of those invited. The one extended in 2010 to the United Nations High Commissioner for Human Rights to visit Belarus is a standing invitation.

24. In September 2014, the Special Rapporteur on minority issues attended a joint workshop that was organized with OHCHR, UNDP, the Organization for Security and Co-operation in Europe (OSCE) and the Office for Democratic Institutions and Human Rights.

25. The Government gives considerable attention to the recommendations of United Nations treaty bodies and special procedures. In particular, the recommendations of the Special Rapporteur on trafficking in persons, especially women and children, following a visit to Belarus in 2009, laid the groundwork for the Action against Trafficking in Persons Act of 7 January 2012.

26. Efforts to engage with OHCHR have been intensified. For example, between 2011 and 2014 Belarus held a series of events in cooperation with it, including: four rounds of national consultations on the universal periodic review; a workshop on lessons learned from the implementation of the recommendations of the universal periodic review and the preparation of reports for United Nations treaty bodies; a workshop on the prevention of racial discrimination, xenophobia and related intolerance; five further training courses on the human rights and gender equality framework for anti-trafficking work; a workshop on the functioning and establishment of a national human rights institution; and a workshop on preventing incitement to hatred, xenophobia and related intolerance in cyberspace.

27. Representatives of Belarus have also participated actively in regional activities of OHCHR on the universal periodic review process and implementation of the recommendations of international human rights mechanisms.

## E. Cooperation with civil society (recommendations 6, 40 and 41)

28. Belarus is cooperating with civil society on drafting and applying laws and regulations, carrying out national policies, strategies and programmes and developing and implementing international technical assistance projects supported by United Nations agencies and other international organizations.

29. Cooperation with civil society in the area of standard-setting has been facilitated by:

- Including representatives of institutional stakeholders in working groups to draft bills (for example, representatives of the Belarusian Society of Persons with Disabilities, the advocacy group AKT and the Belarusian Association to Assist Children and Young Persons with Disabilities were members of the working group to draft a bill on social services);
- Carrying out extensive national consultations (for example, during the drafting of a bill on Belarusians abroad, a round table was led that included the Batkivshchyna organization and Belarusian diaspora organizations from foreign countries); and posting on the Internet for public comment a draft code on culture and a bill on the protection of the population against the harmful effects of tobacco use and exposure to second-hand tobacco smoke.

30. Voluntary associations have been involved in media campaigns to raise awareness about national policies, strategies and programmes, in particular on the issue of trafficking in persons and illegal migration; furthermore, mechanisms for employing persons with physical, mental and multiple disabilities are being developed and sporting facilities are being improved and expanded. The specific aspects and areas of cooperation with voluntary associations in meeting social and economic policy objectives are spelled out in the laws and regulations of the Government and President.

31. Furthermore, under the amended Social Services Act of 22 May 2000, civil society organizations have been given the opportunity to take part in the implementation of publicly funded social projects. A second National Social Forum on building closer partnership between State bodies and voluntary organizations was held in Minsk in 2014 to tackle current social issues.

32. In order to help protect the right to life in a healthy environment, the right of citizens and voluntary associations to express their views and affect decision-making and to have access to justice on environmental issues has been enhanced, without discrimination on the basis of nationality, ethnicity or place of residence.

33. A regional Aarhus Centre was set up in Hrodna in 2012 in order to ensure public access to information and participation in decision-making processes in the area of environmental protection.

34. A United Nations Development Assistance Framework (UNDAF) for Belarus for 2016–2020 has been developed, with priority given to inclusive, effective and accountable public administration, which includes measures aimed at strengthening partnership between the State, civil society and the private sector.

# III. Promotion and protection of human rights on the ground

## A. Achievement of the Millennium Development Goals (recommendation 53)

35. Belarus ranks fifty-third out of 187 countries in the human development index and is placed in the group of countries with high human development, thus outstripping all the CIS countries with respect to this indicator.

36. According to the Inter-Agency and Expert Group on Millennium Development Goals Indicators, which monitors the international efforts and progress of States towards the Goals, Belarus has achieved Goal 1 (Eradicate extreme poverty and hunger), Goal 2 (Achieve universal primary education), Goal 3 (Promote gender equality and empower women), Goal 4 (Reduce child mortality) and Goal 5 (Improve maternal health) within the appointed time frame. Social welfare policies characterized by a high level of budget outlays for benefits and allowances have made this achievement possible.

37. Robust efforts continue to be made to reach the Millennium Development Goals to combat HIV/AIDS, malaria and other diseases, ensure environmental sustainability and develop a global partnership for development.

## B. International technical assistance for development (recommendation 55)

38. In 2012, a national programme of international technical assistance for 2012–2016 was approved, which comprises 115 project proposals jointly carried out by the public authorities and NGOs at a cost of $411.5 million, including 68 with a human rights component. The following areas of international technical cooperation have been identified as priorities: human development, initiative and entrepreneurship; good governance; a healthy environment; and regional development.

39. In 2013, the Board of Governors of the World Bank adopted a new partnership strategy for Belarus for the period 2013–2017, under which international technical assistance is being concentrated in the following areas: increasing the competitiveness of the economy by supporting structural reforms, including reducing the role of the State, transforming the State-owned enterprise sector and promoting private and financial sector development and integration into the global economy; improving the quality and efficiency of public infrastructure services and use of agricultural and forestry resources and increasing access to global public goods; and enhancing human development outcomes through better education, health, and social services.

40. Furthermore, between 2011 and 2014, the Ministry of Economic Affairs registered more than 270 international technical assistance projects (57 in 2011, 62 in 2012, 96 in 2013 and 58 in 2014) both through United Nations agencies for the implementation of UNDAF for Belarus for 2011–2015 and through regional cooperation. The majority of projects have a human rights component and are carried out in partnership with NGOs.

## C. Right of the family to protection by society and the State (recommendations 34 and 36)

41. State support for families with children is provided for within the framework of the National Demographic Security Programme for the period 2011–2015 and includes employment protection, tax exemptions and cash payments to parents of a newborn baby to

assist with the costs of caring for and raising children (childbirth benefits); childcare benefits for families with children up to 3 years of age and for certain eligible families with children over 3; childcare benefits for children with disabilities up to 18 years of age; and childcare benefits for HIV-positive children up to 18 years of age.

42. In accordance with Presidential Decree No. 13 of 6 January 2012, on a number of issues involving State support to citizens for building, rebuilding or purchasing dwellings, financial assistance to large families for the settlement of debt on reduced-rate housing loans has been increased (by up to 75 per cent of the amount owed for families with three children and up to 100 per cent for families with four or more children under the age of majority).

43. Under the Families with Children State Benefits Act of 29 December 2012, the amount of the childcare benefit for children up to 3 years of age is aligned with the average wage in the country (from 35 to 45 per cent) in order to enhance the social protection of families with children.

44. Low-income families with young children are offered targeted social assistance in the form of free food.

45. Families with two or more children are provided with free food for children during the first two years of life regardless of the total family income. Such families are also eligible for free childcare services for children up to 3 years of age. Families with children with disabilities are eligible for free childcare services for children up to 4 years of age.

46. There are a number of employee benefits to promote the right of fathers and mothers to raise children while in service, as follows:

- Mothers or fathers with large families or a child with disabilities are granted an additional day of paid leave per week at the rate of the average wage;
- Mothers or fathers or other working members of the family who are caring for a child are granted childcare leave for children up to the age of 3 without loss of employment and are paid a monthly State allowance;
- Mothers who are employed on a contractual basis and start work before or on expiry of their leave to care for a child up to 3 years of age are entitled by law to renew the current or enter into a new employment contract for a period extending at least until the child turns 5.

47. New measures were introduced in 2015 to support families with children, such as family capital (a fund set up at the birth or adoption of a third child and subsequent children) and a monthly allowance for children aged 3 to 18 years for the first three years in which a new child is being brought up. Young families with two or more minor children are eligible for subsidized loans for building or buying housing.

## D. Right to social security and right to a decent standard of living (recommendations Nos. 44 and 47–49)

48. Presidential Decree No. 41 of 19 January 2012 on targeted State social assistance, adopted with a view to taking a comprehensive approach to and increasing State support for the population, established the right of citizens, foreign nationals and stateless persons permanently residing in Belarus to a monthly and/or non-recurring social benefit to buy food, medicine, clothing, footwear and school supplies and cover the costs of housing and communal services, a social benefit to recover the cost of outlays on nappies, a social benefit to cover technical support for social rehabilitation and the provision of food to children during the first two years of life.

49. Residents in 80 care facilities for the elderly and persons with disabilities are provided with a wholesome and varied diet, clothing, footwear and household services. The rooms are comfortable and homelike. Twenty-four-hour care is available and the necessary medical assistance, physical therapy/rehabilitation exercises and dental services are provided.

50. New social services were piloted and introduced throughout the country in 2013. Assisted living units were set up to help persons with disabilities to live on their own. Respite care services are provided in residential care facilities for children with special developmental needs to allow parents and family members to rest for a while (from a few days to four weeks, but no more than 28 days per year), to gather their strength back and to attend to family matters and for the child to receive skilled care in a residential facility.

51. Short-term (up to a month) respite care in residential facilities for older persons and persons with disabilities is also available to families caring for a senior citizen with a loss of mobility who are in need of temporary relief to tend to life's necessities.

52. The right to an adequate standard of living of the economically active population is realized by increasing household incomes and maintaining its purchasing power.

53. One of the main State guarantees in the area of workers' pay is the minimum wage, which is set every year on 1 January, taking into account the availability of funding from national and local budgets and also the employers' ability to pay, expenditure on household goods and services to meet the needs of workers, employment and productivity levels, projected growth in consumer prices and the general level of monthly wages in the country. Employers are required to use the minimum wage as the lowest threshold for workers' pay. In addition, under the law the minimum wage is indexed to inflation in the course of the year. Employers are required to make an additional payment to employees whose wages fall below the minimum wage to bring them up to that level.

54. Public-sector workers receive guaranteed pay in the form of a base salary. Pay levels for specific groups of skilled professionals throughout the country are determined according to a unified salary schedule. Increasing the pay scale makes it possible to increase the wages of public-sector workers, ensure that low-paid workers receive at least the minimum wage and ensure that the correlation between average monthly wages of public-sector workers and those of other workers throughout the country remains at current levels. The level of the base salary also affects the size of State grants for students and stipends for recent graduates for advanced degrees.

55. In the real economy, under Presidential Decree No. 181 of 10 May 2011, on a number of measures to improve State regulation in the area of remuneration, business corporations may use any pay system and are not required to use the unified salary schedule. Employers establish pay structures and salary levels for employees independently to provide financial incentives to increase workers' productivity, while taking full account of the complexity of the work performed, skill level, efficiency, quality and conditions of work.

56. Multisectoral guidelines, including recommendations on setting up pay structures based on assessments of the complexity of the work and grading, were adopted in 2012 and 2013 to help to advise business corporations on the development and use of various remuneration systems.

57. Under the proposed public-sector remuneration reform, provision has been made to give heads of State bodies and public sector entities responsibility for determining the rates and terms of incentive pay, with due account for the features and specific character of the industry, and to change approaches to setting pay rates for public-sector workers through phasing out base pay adjustment factors within the framework of the unified salary

schedule and allowing for the transition to a range of pay grades for an assessment of the productivity of every worker.

58. The right to an adequate standard of living for older persons and persons with disabilities is realized through a pension system and other social protection programmes.

59. A corporate social responsibility mechanism is being developed in Belarus: more and more attention is being given to human resource development, environmental protection and social programmes. For example, through social standards established by law, companies provide their employees and pensioners with fringe benefits, such as gym memberships, stays in health resorts, income support after 10 years of service at a company and partial reimbursement for medicines.

60. The right to a State pension is ensured under the Pension Act of 17 April 1992. The main objective in the area of pensions is to maintain the real income of pensioners. Pensions are regularly indexed according to the growth in the average wage in the country and changes in the subsistence level for that purpose.

61. Pension law was amended to support and protect the economic and social rights of the most vulnerable segments of the population in the face of the 2011 economic crisis, including payments to supplement retirement pensions and social benefits for persons with disabilities, children with disabilities and surviving dependent children. There were three pension recalculations in 2011 (two of which were unscheduled), and financial aid drawn from pension funds was rendered to non-working pensioners on two occasions. Pensions were raised on four occasions in 2012 in order to maintain purchasing power.

62. Retirement pensions were raised in 2013 and 2014 in the light of the average wage (twice in 2013 and three times in 2014). The minimum wage, social benefits and bonuses are adjusted and pension supplements are increased on a quarterly basis in accordance with the growth in the average per capita subsistence level.

63. In 2012, additional funding was earmarked to increase pensions for non-working pensioners older than 75 years of age.

64. Notwithstanding the ever-expanding workload on the working population of Belarus, the retirement age has been kept at 55 years for women and 60 years for men. Incentives are being offered to citizens to work beyond the retirement age and postpone their retirement on a voluntary basis. They include bonuses to continue working without claiming a pension (for those who are eligible for a pension) and an increase in the age for receiving social benefits (for citizens who do not have enough years of service for a retirement pension) to 60 years for women and 65 for men.

## E. Right to work and favourable conditions of work (recommendation 48)

65. In accordance with the Employment Act of 15 June 2006, the State policy to promote employment is intended to ensure equal opportunities for all citizens to exercise the right to work, the right to choose a profession, occupation or work commensurate with their vocation, skills, education and professional training and in keeping with the needs of society and the right to occupational health and safety, regardless of sex, race, ethnicity, language, religious or political beliefs, participation or non-participation in trade unions or other civil society organizations, property or employment status, age, residence, physical or mental disabilities, if they do not hinder the performance of work duties, and other circumstances not related to professional qualities and not occasioned by the specific work functions or status of the worker.

66. The State provides for additional measures to promote security of employment, especially among persons who are in need of social protection and are unable to compete on

the labour market on a footing of equality, including persons who have been orphaned or deprived of parental care, large families, single-parent households and families with children with disabilities, persons with disabilities, former prisoners; first-time jobseekers under 21 years of age and persons nearing retirement age.

67. Employment is promoted through the implementation of measures from the State Employment Support Programme, which is drawn up every year, including: support for self-employment; training for professions in demand on the labour market; relocation to new places of work and residence; participation in paid community work; temporary employment assistance under the practical work experience programme for young persons; preparation of persons with disabilities for work; and the development of a system to inform citizens of employment opportunities, including through the National Vacancies Database, which is available on the website of the Ministry of Labour and Social Protection.

68. The Government closely cooperates with trade unions and employers' associations to detect and suppress violations of labour and occupational health and safety laws. Measures to further protect workers' employment rights include a monitoring mechanism on the part of trade unions to ensure that the actions of employers are in compliance with the law.

69. Termination of an employment contract by the employer occurs after the relevant trade union has been notified. The annulment of an employment contract by an employer in cases covered under collective arrangements and agreements requires the prior consent of the relevant trade union.

70. In 2014, a mission from ILO established face-to-face contacts on its visit to Belarus. The consultations between the government bodies, trade unions and employers' associations and the mission resulted in proposals for the further development of a social dialogue in the country, including holding events to promote (tripartite) government/employer/worker partnership, entering into collective bargaining negotiations in a climate of pluralism and streamlining industrial dispute mechanisms.

## F. The right to the highest standard attainable of physical and mental health, including in the context of ensuring a healthy environment (recommendations 8, 45 and 46)

71. According to World Health Organization (WHO) estimates, Belarus had the fourth lowest rate of infant and maternal mortality in the world.

72. The rate of infant and child mortality in Belarus is one of the lowest in the region and is comparable to that of economically developed countries: in 2013 infant mortality was 3.5 per 1,000 live births and the mortality rate of children aged under 5 was 4.5 per 1,000 live births.

73. The maternal mortality ratio is 1 death per 100,000 live births, which is in keeping with the rates of economically developed countries. According to the joint United Nations Population Fund (UNFPA), WHO, United Nations Children's Fund (UNICEF) and World Bank report *Trends in Maternal Mortality: 1990 to 2013*, Belarus experienced a 96 per cent reduction in the maternal mortality ratio.

74. Belarus ranks first in the world in access to medical services. The level of access to reproductive health services in Belarus is equivalent to that of developed economies and Belarus is ranked among the 50 leading countries in providing for prenatal care and the presence of a skilled attendant at birth.

75. The primary aim of the State health policy is to lay the foundations for the full enjoyment of the right to health by citizens. Belarusian legislation guarantees the right to receive free medical assistance in State medical establishments.

76. All women in Belarus have access to prenatal and postnatal health care that makes use of the latest methods for diagnosis, treatment, prevention and medical check-ups.

77. Health centres offer a supportive environment and psychological counselling to women seeking an abortion prior to the termination of pregnancy.

78. The reproductive health-care work under way includes: decreasing the incidence of abortion and abortion-related morbidity; advising various age groups about reproductive health and family planning; providing for male reproductive health care; preparing women and their families for pregnancy and childbirth; taking preventive, diagnostic and therapeutic measures to minimize the risk of pregnancy complications and perinatal illness; using modern medical technology to provide care for pregnant women and newborns; actively promoting the UNICEF baby-friendly hospital initiative;

79. In accordance with Council of Ministers Decree No. 23 of 11 January 2013, the list of social reasons that constitute grounds for abortion has been reduced, from 10 to 2. Moreover, improvements in the quality of care provided made it possible to shorten the list of medical indications for induced abortion.

80. The fourth State HIV prevention programme for the period 2011–2015, designed to prevent the transmission of HIV and reduce AIDS-related deaths, is currently being carried out; it includes provisions to improve diagnostics and treatment, social and psychological care and HIV prevention measures and to give drug users access to treatment and care, medical and psychological support and social rehabilitation.

81. An assisted reproductive technologies laboratory for washing the semen of HIV-positive men has been set up at the Mother and Child Applied Research Centre to reduce the risk of HIV infection among HIV-serodiscordant couples and vertical transmission. All children who require breast-milk substitutes are provided with free infant formula milk.

82. Two international technical assistance projects to eradicate multidrug-resistant tuberculosis and prevent and treat HIV/AIDS are also being carried out under the Global Fund to Fight AIDS, Tuberculosis and Malaria. According to WHO, Belarus is outpacing all other CIS countries in reducing the spread of HIV/AIDS and providing antiretroviral therapy coverage.

83. The promotion of healthy lifestyles, a balanced diet and personal responsibility for health has been a key factor in the decline in mortality. Some 49 centres for adolescent and young adult health attached to health-care organizations are taking a personal approach to these topics with young people.

84. The Government is carrying out a joint project with UNICEF on adolescent crisis intervention, maladjustment and behavioural problems.

85. Belarus has developed the Child Injury Prevention Strategy for the period 2013–2015. In order to implement the Strategy, the Government is working with UNICEF on a child injury prevention project in accordance with WHO child injury prevention strategies and plans of action. The project seeks to establish a comprehensive system for monitoring and assessing the results of child injury prevention efforts; and introduce the most advanced protection measures to prevent adverse incidents, their sequelae and post-injury complications from occurring.

86. The State environmental protection policy is aimed at holding citizens' right to a healthy environment up as a prerequisite for the country's sustainable social and economic development. The policy priorities are set down in the Environmental Protection Strategy in

the Republic of Belarus for the period up to 2025. The main thrust of the Strategy is to improve the quality of life of the people, including by virtue of eco-friendly habitat conservation, through a set of measures to maintain ecosystem integrity, biodiversity and landscape diversity, to protect and restore natural resources and to enhance environmental sustainability in the country.

87. The efforts made to mitigate the effects of the Chernobyl nuclear accident place an additional burden on the State when it comes to ensuring the human right to health. The contaminated area is undergoing social and economic rehabilitation and environmental remediation by the Government in an effort to make it economically viable and free of radiation-related restrictions and to further reduce the health risk faced by the affected population.

## G. Right to education and human rights education (recommendations 50–52)

88. The right to free general secondary and vocational education is guaranteed under the Constitution. There are approximately 4,000 preschools, more than 3,200 general secondary schools and 240 special educational institutions to ensure that all children have access to education in Belarus.

89. Early childhood care, child-rearing, education and development and also health promotion and health care are provided within the framework of preschool education. Some 74.4 per cent of children aged between 1 and 7 are covered by preschool facilities.

90. According to UNDP data, the literacy rate in Belarus is one of the highest in the world, standing at 99.7 per cent for the adult population and 99.8 per cent for young people. According to UNESCO, Belarus ranks fourth in the world in the number of students who receive specialized secondary, higher and postgraduate education per 10,000 inhabitants.

91. In addition, every person has the right to receive, on a competitive basis, publicly funded higher education in State educational institutions. Prospective university students who have not passed the competitive examination may apply for admission on a tuition-fee basis or reapply for free admission the following year. Graduates who have received a publicly funded higher education are guaranteed placement in their first job, which helps to reduce youth unemployment and allows them to embark on their chosen career path. Graduates have the right to turn down offers of employment if they pay the State back for the costs of the education.

92. A range of human rights education measures is being carried out in accordance with the Policy Framework for the Continuing Education of Children and Students under the Human Rights Education Plan of Action for the period 2011–2015 and the National Plan of Action to Improve the Situation of Children and Protect Their Rights for the period 2012–2016. Courses on the rudiments of rights for pupils in years 1–4 and basic legal literacy for pupils in years 5–11 and students at institutions of higher education have been introduced under the policy framework and plans. Children and young people at all levels of education are taught about the rights of the child, human rights and international human rights law.

93. A website on children's legal rights is widely used with a view to making the rights of the child in the educational process accessible and visible (www.mir.pravo.by).

94. The inclusion of special thematic courses in further training programmes for various professionals is helping to raise awareness about human rights in society.

95. For example, the Institute for the Retraining and Further Training of Judges and Officials of the Procurator's Office, the Courts and Other Institutions in the System of Justice offers a course on human rights and trains specialists in juvenile justice.

96. The International Training Centre in Minsk offers training and further training courses for officials at law enforcement and other competent agencies on combating trafficking in persons, drug trafficking, the distribution of child pornography and acts of paedophilia and also illegal migration, all of which include human rights and gender equality training modules.

97. A number of human rights training workshops have been held for law enforcement officials, prosecutors, judges, representatives of other State authorities and organizations, and journalists, including on the topic of identifying refugees, reviewing the validity of court rulings in criminal matters, suppressing extremist activities and combating child pornography on the Internet, trafficking for the purpose of forced labour, racial discrimination and religious intolerance.

98. Professionals in Belarus have also enhanced their educational background in the area of human rights by attending international seminars on ensuring transparency of the legislative process, the independence of judges and prosecutors in the administration of justice and protection of the rights of women, children, refugees and persons with disabilities.

99. The involvement of the news media and international and non-governmental organizations in this work has helped to increase public awareness about human rights. International events, including those supported by OHCHR, other programmes, funds and specialized agencies of the United Nations system, are widely covered in the media. There have been a number of pieces in the press to foster a culture of inter-ethnic communication, tolerance, internationalism and patriotism.

100. Information about human rights, including the procedures for applying to public authorities to defend one's rights and interests, are available on the websites of those authorities.

## H. Rights of the child (recommendations 7, 32, 33 and 35)

101. Pursuant to recommendation 7, the National Plan of Action to Improve the Situation and Protect the Rights of Children for the period 2012–2016 currently under way includes, among other things, measures to fulfil the recommendations of the Committee on the Rights of the Child following its consideration in 2011 of the periodic report on the status of implementation of the Convention on the Rights of the Child and its two Optional Protocols.

102. In accordance with recommendation 32, in order to ensure that the rights and legitimate interests of children are protected, including those of children in conflict with the law, a blueprint for juvenile justice has been drafted that provides for the regulation of social relations and the involvement of minors through the establishment of a multilevel system of bodies to protect this category of children and streamline the procedures for cooperation between elements of this system, including juvenile courts.

103. Juvenile justice is currently administered through specialized courts. The relatively small share of criminal cases involving young offenders that are considered by the courts makes it possible to deal with each case against a minor in conflict with the law on a strictly individual basis (the share of minors convicted in 2013 was 2.5 per cent of all convictions).

104. Probation is widely used against minors brought before the criminal justice system. Measures such as deferred or suspended sentences, or orders of a rehabilitative nature, were

applied to 62.8 per cent of young offenders in 2013 (and 56.3 per cent in 2012). Judges have handed down a number of special rulings to address the circumstances surrounding and causes of youth crime and have taken measures towards that end in one out of every eight criminal cases that have come before them in order to increase the rehabilitative impact of judicial proceedings.

105. With a view to ensuring consistency and legal certainty in the practice of the courts during proceedings involving minors, the Plenum of the Supreme Court has adopted decisions concerning criminal offences by minors, adoption cases and disputes over child-rearing and the deprivation or restoration of parental rights.

106. Cases that affect the rights and legitimate interests of minors are heard by the more experienced judges with expertise in developmental psychology, psychiatry and education.

107. Representatives of Belarus took part in an international conference of UNICEF on justice for children in Europe and Central Asia in 2013 in order to study international best practices with respect to juvenile justice.

108. Much attention is given to promoting the well-being of children in the family and reducing the number of children without parental care (recommendations 33 and 35). The main efforts in this area have been aimed at ensuring the well-being of children in the family, promoting adoption, wardship and trusteeship for every child deprived of a family environment and reducing the number of abandoned children.

109. Priority has been given, under the national law and in practice, to providing foster care to children who could not be kept with their biological families while preventive work was under way.

110. The measures taken to restore healthy parent-child relations and return family situations to normal have greatly helped to lower the risk of children ending up in adverse circumstances. The number of parents deprived of parental rights and children whose parents have been deprived of their parental rights is steadily decreasing.

111. A child protection system that has lowered the incidence of "social orphans" has taken shape with the adoption of Presidential Decree No. 18 of 24 November 2006 on additional measures for the State protection of children in problem families. The targeted efforts to prevent social orphanhood have resulted in: a 30 per cent reduction in the number of newly orphaned children between 2009 and 2013; a more than five-fold reduction in the number of parents who abandoned their children between 2002 and 2013; a drop in the number of parents deprived of parental rights between 2009 and 2013, to 61 per cent, and a 62 per cent reduction in the number of children taken away from their parents; and an increase in the frequency with which parental rights have been restored, owing to increased responsibility assumed by families for the care of their children (since 2006, by decision of the courts, 2,044 children were returned to their parents, which is the equivalent to the number of children in 27 care homes).

112. The diversity of family structures (adoption, guardianship, foster care, family-type children's homes) significantly increases opportunities for the realization of the right of the child to live in a family environment.

113. Regulations on post-care-home assistance to orphaned children and young persons and children and young persons deprived of parental care have been developed to help such persons to adjust socially and be fully integrated into society.

## I. Women's rights (recommendations 5, 20, 34, 36, 42 and 43)

114. National employment legislation is gender-neutral and does not include provisions that could be seen as discriminatory against women.

115. In 2012, a national gender equality policy framework was developed that sets out the main areas of State policy towards women and is aimed at the full and equal participation of women in the country's political, economic, social and cultural life.

116. The fourth National Action Plan for Gender Equality for the period 2011–2015 currently under way is designed to afford equal opportunities for men and women to participate in all aspects of life. Awareness-raising campaigns, conferences and round tables to raise the profile of female business and political leaders have been carried out under the Plan.

117. Gender statistics have been taken into account in the implementation of the gender policy. A compilation entitled *Women and Men in the Republic of Belarus* is published every three years with information on the number of men and women, life expectancy, migration flows, morbidity rates, secondary and higher education, employment of men and women in different branches of the economy and other information.

118. The UNFPA/UNICEF international technical assistance programme launched in 2014 to build the capacity of the national statistical system in the area of producing, analysing and disseminating gender-related information about the population is expected to improve the set of indicators for gender statistics.

119. Women in Belarus are actively involved in the public and political life of the country. They make up: 31 per cent of members of parliament; 68.5 per cent of public servants, with 28.5 per cent of leadership positions occupied by women at different levels (heads or deputy heads of organizations, divisions, departments and units) and 56.7 per cent of the total membership of voluntary associations; 54 per cent of the total number of professors and teaching staff in institutions of higher education; and 34 per cent of the total number of doctors and candidates of science.

120. An important feature of current labour law is the direct prohibition against discrimination in employment relations, which includes, among other things, restrictions on employment rights or the granting of any benefit on the basis of sex.

121. Men and women are guaranteed equal pay for work of equal value under the law and in practice. However, the national average wage gap persists (women's earnings are 74 per cent of men's). There have been steady pay rises in professions dominated by women (education, health and social services) in order to close the pay gap.

122. There is a series of measures under the annual State employment assistance programme aimed at increasing employment opportunities for women with young children, in accordance with recommendation 43. Special steps are being taken to increase women's employment, including by: holding job fairs that offer opportunities in sectors which predominantly employ women; referring unemployed women for vocational training or retraining in occupations most in demand; and allocating public grants to employers that create jobs for the employment of women. The promotion of self-employment and entrepreneurship is a critical dimension of these efforts.

123. The implementation of robust measures under the employment policy has stabilized the national labour market. The share of unemployed persons who are women fell from 48.2 per cent on 1 January 2013 to 37.6 per cent on 1 January 2015.

124. With a view to ensuring maternity protection and family support (recommendations 34 and 36), women are afforded a number of safeguards as they pursue their career paths.

125. For example, under the Labour Code, it is prohibited to arbitrarily deny women an employment contract because they are pregnant or have children under 3 years of age or, in the case of single mothers, children under 14 years of age (or a child with disabilities under 18 years of age). The employer must inform those women in writing the grounds for any denial of employment.

126. Women who are denied employment contracts may challenge the decision in court. From 2011 to 2014, the courts heard one case involving a claim of an unfair denial of an employment contract and four cases involving claims of early termination of an employment contract by women who were pregnant or had dependent children; three of the claims were dismissed on the ground that they were ill-founded, one case was closed because the claim was withdrawn and another claim was settled out of court.

127. In addition, there are restrictions on the employment of women for specific types of work. For example, under the Labour Protection Act of 23 June 2008, it is prohibited to employ women for work that is arduous, hazardous and/or harmful to their health and also underground work that involves strenuous physical activity. Women may not be recruited for specific types of work even if they consent to it (for example pregnant women may not be recruited for overtime work). Women may be recruited for specific types of work only with their written consent (for example, women who have children under 3 years of age may be recruited for night work only with their written consent).

## J. Ending domestic violence (recommendation 24)

128. Specific regulatory measures have been introduced to address the issue of domestic violence and victim assistance.

129. The Code of Administrative Offences was amended in 2013 to introduce administrative liability for battery that does not cause bodily injury and deliberate infliction of pain, physical or mental suffering against close relations or family members, in addition to the criminal liability incurred for such acts.

130. A definition of "domestic violence" and "family members" was introduced under the Principles of Crime Prevention Act of 4 January 2014, which provides for specific action to protect victims of domestic violence, such as restraining orders that prohibit offenders from searching for, following, visiting or contacting their victims, and sets out the principles for crime prevention through outreach work on the issue of domestic violence and further training of professionals.

131. There is a social service centre in every part of the country (146 in total) and two municipal social service centres for families and children with 135 social rehabilitation and recovery units. The network of "crisis rooms," or emergency shelters, has been expanded significantly. There are now 100 crisis rooms in operation (up from 31 as of 1 January 2011) and such rooms have been opened in every district of Minsk, Vitsyebsk and Mahilyow. The crisis rooms offer free psychological support, legal assistance, first aid and temporary shelter to victims of domestic violence (in the period 2012–2013, 106 victims benefited from the services of the shelters and 97 in the first 9 months of 2014). Domestic violence victims are also provided with food if necessary. Moreover, the restrictions on the length of stay in crisis rooms (previously up to 10 days) have been lifted since 2013 and the procedures for staying in them have been simplified.

132. Two UNFPA/UNICEF international technical assistance projects on national capacity-building for domestic violence protection, including in the context of gender equality, are under way in order to shore up State efforts to prevent violence against women.

133. The work done has helped to reduce society's tolerance of domestic violence: domestic violence is considered to be unacceptable by 96 per cent of women and 95 per cent of men (according to a 2012 multiple indicator cluster survey).

134. Under Presidential Decree No. 18 of 24 November 2006 on additional measures for the State protection of children in problem families, interdepartmental work is being done to identify and rehabilitate child abuse victims (including victims of physical, psychological and sexual violence).

135. An awareness-raising campaign entitled "Families without violence" has been launched, and has generated others: "Kitchens without violence" in 2012 and "Nurseries without violence in 2014". Belarus is also involved in the UN global campaign "16 days without violence".

136. A helpline operates round-the-clock to take reports of family disturbances and child abuse and offer emergency social and psychological support.

## K. Combating trafficking in persons (recommendations 25–27)

137. Belarus is a party to all the universal instruments of the United Nations on combating human trafficking and to the Council of Europe Convention on Action against Trafficking in Human Beings and has helped to draft the model laws of the Commonwealth of Independent States on combating human trafficking and assistance to trafficking victims.

138. Such matters as job placement and studies abroad, international adoption and the activities of tourist, marriage and modelling agencies are regulated under the national law on trafficking in persons. The concept of "victim of human trafficking" has been incorporated into the legislation and measures for protecting and rehabilitating victims have been outlined.

139. Six constituent elements of trafficking in persons and related acts which render them criminally punishable are defined. Crimes involving pornography, including child pornography, fall into a different category of offences.

140. Victims of human trafficking are provided with social protection and rehabilitation for free, including: temporary shelter (there are 100 crisis rooms in operation in the country); legal aid, including free counsel provided by the Bar; medical care; psychological support; family tracing or placement with foster families, or in children's homes when neither option is possible in the case of child victims; and employment assistance.

141. On the international scene, Belarus is spearheading the United Nations Global Plan of Action to Combat Trafficking in Persons, adopted by the General Assembly in 2010, and is a sponsor of the General Assembly resolution on improving the coordination of efforts against trafficking in persons. The United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children has been set up under the Global Plan, which is directly concerned with providing assistance to victims of human trafficking. Belarus is one of the donors to the Fund.

142. The Group of Friends United against Human Trafficking was set up on the initiative of Belarus to facilitate international coordination within the United Nations in the area of trafficking in persons at venues in New York, Vienna and Geneva. Belarus is cooperating with OHCHR, funds, programmes and specialized agencies of the United Nations as part of the work of the Inter-Agency Cooperation Group against Trafficking in Persons.

143. In 2013, the International Training Centre in Minsk organized a workshop with the assistance of UNDP for officials of the law enforcement agencies and members of other competent bodies from country members of the Group of Friends (in which the Under-

Secretary-General of the United Nations/Executive Director of the United Nations Office on Drugs and Crime, Yury Fedotov, took part) within the framework of the OHCHR international technical assistance project entitled "Combating trafficking in human beings: new challenges and threats" (recommendation 25) and also six other training events at which current issues involving human rights and gender equality were taken up.

## L. Inter-ethnic and interreligious relations (recommendations 21, 22, 37 and 38)

144. State policy on interreligious relations is carried out in accordance with the Freedom of Conscience and Religious Organizations Act of 17 December 1992 — which guarantees equality and non-discrimination before the law regardless of attitude to religion and equality of religions before the law — and the Ethnic Minorities in the Republic of Belarus Act of 11 November 1992 – which guarantees the right to preserve one's ethnic affiliation and prohibits forcing persons to define, indicate, prove or renounce their ethnic affiliation and direct or indirect discrimination on the grounds of ethnic minority background or any attempt to assimilate minorities against their will. Neither attitude to religion nor ethnic background is indicated in official documents.

145. In order to implement the law effectively, a State programme on Belarusian culture for the period 2011–2015 and a programme for improvements in religious affairs, inter-ethnic relations and cooperation with members of ethnic groups living abroad for the period 2011–2015 are being carried out to support the cultural activities and advocacy work of the voluntary associations of ethnic minorities and preserve their cultural traditions and ethnic identity.

146. As of early 2014, there were 3,448 religious organizations representing 25 faiths and religious denominations registered in Belarus, including 3,280 religious communities and 168 religious institutions (orders, societies, missions, etc.). There are approximately 180 voluntary associations and their branches for 28 ethnic and cultural communities.

147. There are no clashes or conflicts in Belarus based on ethnic, racial, cultural, linguistic or religious background, which can be attributed to the historical tradition of peaceful cooperative inter-ethnic relations, strong bonds between ethnic groups living side by side in the country and targeted and consistent policies.

148. The isolated cases of vandalism at Jewish cemeteries have been classified as acts of hooliganism that were not aimed at inciting ethnic intolerance and were subject to punishment under the law.

149. The national media devote considerable attention to the subject of tolerance and the promotion of cultural and ethnic diversity by highlighting all relevant cultural activities of ethnic minorities and broadcasting special television programmes on ethnic and interfaith relations. Radio Belarus broadcasts in seven languages — Russian, Belarusian, Polish, German, English, French and Spanish — in real time. The Hrodna Television and Radio Company airs television and radio broadcasts in Polish.

150. Thematic press conferences and international forums on inter-ethnic and interfaith relations are held every year for journalists and the academic community.

151. Ethnic minority organizations — Polish, Jewish, Armenian, Lithuanian and Ukrainian — produce their own print publications. Press conferences with leaders of ethnic minority organizations are held on a regular basis.

152. The World Day for Cultural Diversity for Dialogue and Development (21 May), the International Day for Tolerance (16 November) and International Roma Day (8 April) are celebrated every year in Belarus.

153. The National Festival of Ethnic Culture is held every two years in Hrodna, bringing together all the ethnic groups of Belarus. There is likewise an ethnic cultural festival for children, held in Minsk.

154. In 2012, as part of the festival, there was a presentation of the books Multi-Ethnic Belarus and Who Lives in Belarus and a CD-ROM entitled Multi-ethnic Palette of Belarus (containing a documentary film, visual, audio and multimedia presentations, collections of laws and resource materials), which cover the ethnic and cultural associations and the traditions, holidays and cuisines of ethnic communities in Belarus.

155. The fourth Orthodox-Catholic forum was held in Minsk in 2014. The International Christian Music Festival Mahutny boža (Belarusian for God Almighty), the International Catholic Festival of Christian films and television programmes entitled "Magnificat" and a journalism writing contest on the Belarusian Orthodox religion, past and present, are held every year.

156. In 2012, Belarus had took part in a regional conference of OHCHR on the participation of ethnic minorities in the law enforcement system.

157. In 2014, with the support and participation of the European Centre for Minority Issues in Minsk, an international training workshop was held on the Eastern Partnership Minorities Network.

## M. Right to life, liberty and security of the person (recommendations 23 and 58)

158. Belarus is committed to the international trend towards the gradual abolition of the death penalty. It is worth noting that the legislation of Belarus established more stringent restrictions on the use of this type of punishment than that provided for under international law, in particular in article 6, paragraph 5, of the International Covenant on Civil and Political Rights. For example, the death penalty may not be imposed on criminal offenders under 18 years of age, all women, and men who have turned 65 by the time that a sentence is handed down.

159. In accordance with the Constitution, the death penalty is a temporary and exceptional measure. Before it is abolished, the death penalty may be imposed as an exceptional measure of punishment for certain especially serious crimes involving premeditated deprivation of life with aggravating circumstances.

160. All persons sentenced to death have the right to petition the President for a pardon. The death penalty may be commuted to life imprisonment by way of a pardon.

161. The procedures for carrying out the death penalty are in keeping with international standards in this sphere.

162. Under the Code of Criminal Procedure, if it is found by a decision of a medical board that the person condemned to death shows signs of a mental disorder (disease) that deprives the convicted person of the ability to understand his actions, the death penalty must not be carried out.

163. Statistics attest to the exceptional nature of the death penalty in Belarus. In the period from 2011 to 2014, six persons were sentenced to death.

164. Plea-bargaining for suspected and accused persons was introduced to criminal procedure in 2015. For persons who have reached a pretrial settlement, including persons who have committed especially serious crimes that incur the death penalty, capital punishment is to be commuted to life imprisonment. This may have the effect of further reducing the number of death sentences handed down.

165. Following the parliamentary elections of 2012, a working group on the death penalty as a means of punishment used in Belarus resumed its work. Members of the group are involved on an ongoing basis in social and political events concerning the death penalty. For example, a round table was held in 2013 with the Council of Europe on religion and the death penalty and, with support from the Council and the Moscow branch of Penal Reform International, another was held on crime and punishment in the eyes of society.

166. There is a clear mechanism in Belarus to identify and address all cases involving the cruel or inhuman treatment of prisoners and persons in custody. Existing procedures and rules allow for supervisory and other bodies to review complaints of this kind immediately and objectively, through preliminary inquiries and internal investigations, and criminal proceedings are instituted if the grounds for the complaints are found to be valid.

167. The agency carrying out the preliminary inquiry or investigator must inform the prosecutor's office about any detention within 24 hours in order to ensure that the rule of law and the rights of detainees are observed. When considering whether a person should be remanded in custody, the procurator must examine all the facts that give grounds for taking such a preventive measure and, in a number of cases, personally question the suspect or accused person.

168. In addition, every three months public prosecutors are under the obligation to ensure that the detention of citizens and the conditions and procedures for their remand in custody are lawful and justified.

169. Detainees, remand prisoners and convicted prisoners have the right to appeal in court against their detention, remand in custody, house arrest or involuntary committal to a psychiatric institution, the actions and decisions of the body leading the criminal proceedings and also the sentence or other final decision of the court.

170. Complaints are immediately referred to the courts through the administration of the detention centre (within 24 hours for detainees and 72 hours for remand prisoners). A court decision on a complaint may be appealed against within 24 hours.

171. Convicted persons have the right to file complaints with the administration of the correctional institution, court, procurator, national and local public oversight commissions established by bodies of justice and voluntary associations.

172. The scope of judicial review of the lawfulness, validity and proportionality of imposing preventive measures such as remand in custody or house arrest has been expanded in accordance with the requirements of article 9, paragraph 4, of the International Covenant on Civil and Political Rights.

173. In 2011, 675 applications were filed for preventive measures to be modified, 485 in 2012 and 582 in 2013. Some 5 per cent of appeals for the modification of a preventive measure are granted each year.

## N. Right to be treated with humanity and right to be protected against torture (recommendations 15, 29, 30 and 57)

174. Torture, cruel, inhuman and degrading treatment or punishment and medical or other experimentation without consent is prohibited under the Code of Criminal Procedure.

175. Criminal prosecution is not intended to cause physical suffering or humiliation, and it is prohibited under the law to force a suspect, accused person, victim or witness to give testimony by means of threats, blackmail or torture.

176. Crimes against the security of humankind, including unlawful detention, abduction involving enforced disappearance, torture and acts of cruelty are categorized as especially serious crimes.

177. The risk of torture is among the grounds for the non-refoulement of aliens along with the threat to life or liberty on the grounds of race, belief, nationality, ethnicity, membership of a particular social group or political views.

178. A definition of the notion of torture that is fully in keeping with the notion set out in article 1 of the Convention against Torture has been incorporated into the law (recommendation 57).

179. Civil society representatives acting as members of public oversight commissions ensure that the human rights of persons who are serving sentences in places of detention are observed. For example, in 2014, the human rights organization Platform Innoveishn was given access to institutions to inspect conditions of detention. In addition, the think tank EcooM has been working with human rights organizations since 2014 on an opinion poll project among prisoners in order to identify the factors that give rise to conflicts with the administration and to examine conditions of detention.

180. All communications and complaints concerning misconduct committed against citizens are carefully reviewed and investigated. In the event that a violation is identified, offenders are prosecuted in accordance with the law. For example, the Penal Enforcement Department of the Ministry of Internal Affairs recorded and reviewed 96 communications from citizens concerning unlawful acts by officers of agencies and institutions of the penal enforcement system and secure rehabilitation centres. Between 2011 and 2014, procuratorial authorities considered 158 complaints of abuse of prisoners and persons remanded in custody (67 in 2011, 35 in 2012, 37 in 2013 and 19 in 2014). The cases were dismissed. From 2012 to 2014, the courts heard 15 cases involving complaints by persons remanded in custody, persons deprived of liberty, persons sentenced to life imprisonment and persons held in custody concerning the penalties imposed on them and complaints of persons in administrative detention concerning the types of disciplinary action taken against them. The complaints were not substantiated.

181. In accordance with the Detention Procedures and Conditions Act of 16 June 2003, the following persons are placed in separate facilities: men and women; minors and persons over 18 years of age; persons suspected or accused for the first time and persons previously detained in correctional facilities; suspected, accused and convicted persons; suspected and accused persons in a single criminal case (recommendation 29).

182. Detention centres are being renovated in order to improve conditions of places of deprivation of liberty. Technical regulations on buildings and premises of the internal affairs bodies and design rules were adopted in 2010 in order to meet minimum standards for repairs, construction and planning. Between 2011 and 2014, 14 facilities were put into operation, 21 were renovated and 7 underwent planning and surveying. Two new temporary holding facilities were put into operation, four underwent capital repairs and a new facility is being built. Construction has begun on a national general hospital for prisoners in the industrial zone of Kaliadichy and the latest requirements and international standards were taken into account in the planning phase.

## O. Right to a fair trial (recommendation 28)

183. The Code of Criminal Procedure sets out trial procedure, which is based on the presumption of innocence, the right of the accused to be represented by competent counsel, the right to defence and legal aid, the right to appeal against court sentences and the right of petition for pardon.

184. The independence of judges is ensured by the procedure prescribed by law for their appointment, suspension and removal from office, their personal immunity, the procedure for hearings and consideration of matters, professional secrecy with regard to their deliberations and a prohibition on requests for disclosure of information on them, liability for contempt of court or interference in the court's activities and other guarantees of a judge's status and the requisite organizational and technical conditions for the work of the courts. Interference in judges' administration of justice is prohibited and is subject to criminal punishment.

185. One of the core principles of criminal procedure is the inviolability of the person. Under the Code of Criminal Procedure (art. 11), no one involved in criminal proceedings may be subjected to violence or other cruel or degrading treatment. Under article 105, paragraph 5, evidence obtained in violation of the law is invalid and may not be used to press charges. The rules constitute measures to prohibit torture and ensure that only legally obtained evidence may be used in criminal proceedings.

186. Acquittals of 878 persons were returned and upheld between 2011 and 2013. In the same period, State prosecutors dropped charges against 58 persons in 53 criminal cases because of the absence of socially dangerous acts and elements of a crime and insufficient evidence.

187. Far more stringent requirements for the admissibility, validity and sufficiency of evidence were introduced following the establishment of the Investigative Committee in 2011, which has lowered the number of proceedings against innocent people at the preliminary inquiries stage.

188. Training workshops on conducting State cases for the prosecution and supervision over the legality of judicial decisions in criminal cases are held every year to build the capacity of procurators. A compendium of regulations and instruments entitled *The Practice of Procuratorial Supervision: Conducting State Cases for the Prosecution and Supervision over the Legality of Judicial Decisions in Criminal Cases*, a comprehensive guidance manual on the application of the Criminal Code and Code of Criminal Procedure, was published in 2013.

## P. Right to freedom of expression, right to peaceful assembly and right to freedom of association (recommendation 39)

189. Freedom of assembly in Belarus is guaranteed by a wide range of legislative acts that govern the procedures for forming, running and dissolving political parties, trade unions, voluntary associations and foundations.

190. Free access to instruments that govern the procedures for forming, registering and running the associations referred to above and common requirements for registering associations, regardless of the nature and purpose of their activities, have a positive impact on the development of a civil society and enhance the scope and effectiveness of the activities of civil society organizations.

191. The requisite legal framework has been established for free competition between political parties. There are no provisions under the law of any kind that give some political ideas precedence over others. To date, there are 15 political parties operating in the country.

192. The number of voluntary associations is on the rise, attesting to the civic engagement of the population and the opportunities for demonstrating it. As at 1 October 2014, there are 2,587 voluntary associations of various kinds (up from 2,325 in 2011), including 396 charities, 268 youth organizations, 28 of which are children's organizations, 232 advocacy groups, including human rights organizations, 113 ethnic minority organizations, 73 environmental organizations, 30 women's organizations and others.

193. A similar situation has also arisen with the trade union movement. There are 37 trade unions, including 33 national unions, representing more than 90 per cent of workers, and 22,978 trade union organizations.